IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 4500 of 2005

Between:

Gade Swaroop, S/o.Suryanarayana,
R/o.Sajjapuram Village, Tanuku,
West Godavari District.

..... PETITIONER

AND

1 Superintending Engineer, A.P.Transco, Eluru, West Godavari District.
2 Executive Engineer, A.P.Transco, Tadepalligudem, West Godavari District.
3 A.E.,A.P.Transco, Tanuku, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders, direction or directions, writ or writs, particularly one in the nature of "writ of mandamus" declaring the action of the respondents in proposing to installing electrical transformer and two electrical poles in the petitioner's land to the extent of 520 sq.yds situated in ward No.30 in R.S.No.29/1 of Sajjapuram village, Tanuku Municipality, West Godavari District, bounded by East: Raja Veedhi, West: Land belongs to D.Atchutaramaiah, North: Road, South:Land belongs to D.Venkata Lakshmi, sy.No.31/3, without acquiring the same under any law or acquiring the land under due process of law, is illegal, arbitrary, violative of Article 300(A) of the Constitution of India and against the principles of Natural Justice, consequently direct the respondents not to install any electrical transformer and electrical poles in the land of petitioner, situated in ward No.30, R.S.No.29/1 of Sajjapuram village, Tanuku Municipality, West Godavari District, and to pass such other orders as are necessary in the interest of justice.

Counsel for the Petitioner:MR.K.L.N.SWAMY

Counsel for the Respondents: V. Ajay Kumar, SC for AP Transco

The Court at the admission stage made the following :

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ORDER:.

Heard.

The petitioner seeks a declaration that the proposed action of the respondents in installing electrical transformer and two electrical poles in the petitioner's land to the extent of 520 sq.yds situated in Ward No. 30 in R.S.No. 29/1 of Sajjapuram Village, Tanuku Municipality, West Godavari District, as illegal and arbitrary.

The contention of the petitioner is that the land, in which the proposed installation of the transformer is likely to be made, belongs to the petitioner. In order to prove this fact, he relies on certain sale deeds. These documents, which show that the petitioner is the landlord of the disputed land, should be established in a competent Civil Court only. Further, it is to be seen that the allegation of the petitioner is that respondents are proposing to lay transform, but in fact, no positive action has been initiated even according to the petitioner in that direction.

Hence, having regard to the facts and circumstances, the Writ Petition is disposed of with liberty to the petitioner to make a representation to the respondents establishing his right over the property and on such representation being made, it is needless to say that the respondents shall consider the representation and proceed strictly in accordance with law. No costs.

D.S.R. VARMA, J

DATED: 09.03.2005

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To

1 Superintending Engineer, A.P.Transco, Eluru, West Godavari District.
2 Executive Engineer, A.P.Transco, Tadepalligudem, West Godavari District.
3 A.E.,A.P.Transco, Tanuku, West Godavari District.

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